

रजिस्टर्ड नं० पी०/एस० एम० 14.



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

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शिमला, वीरवार, 6 अप्रैल, 1978/16 चैत्र, 1900

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हिमाचल प्रदेश सरकार

विधान सभा सचिवालय

अधिसूचना

शिमला-171004, 3 अप्रैल, 1978

संख्या 1-13/78-वि०स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियमावली, 1973, के नियम 135 के अन्तर्गत, हिमाचल प्रदेश पंचायती राज (संशोधन)

विधेयक, 1978 (1978 की संख्या 1) जो हिमाचल प्रदेश विधान सभा में 3 अप्रैल, 1978 को पुरःस्थापित किया गया है, सर्वसाधारण की सूचनार्थ राजपत्र में मुद्रित करने के लिये प्रेषित किया जाता है ।

वेद प्रकाश,  
सचिव ।

Bill No. 1 of 1978

**THE HIMACHAL PRADESH PANCHAYATI RAJ  
(AMENDMENT) BILL, 1978**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

**A  
BILL**

*further to amend the Himachal Pradesh Panchayati Raj Act, 1968  
(Act No. 19 of 1970).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the  
Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Panchayati  
Raj (Amendment) Act, 1978.

Short title  
and comm-  
encement.

(2) It shall come into force at once.

19 of 1970

2. For existing sub-section (3) of section 5 of the Himachal Pradesh  
Panchayati Raj Act, 1968 (hereinafter called "the principal Act") the  
following sub-section (3) shall be substituted, namely:—

Amend-  
ment of  
section 5.

"(3) Every person who has attained the age of eighteen years and ordi-  
narily resides in a village which forms part of the Sabha area shall  
be a member of the Gram Sabha of that Sabha area."

3. In clause (g) of sub-section (5) of section 9 of the principal Act,  
after the word "servant" and before the words "of any local authority" the  
sign commas and the words "other than the persons employed casually  
or on daily wages," shall be inserted.

Amend-  
ment of  
section 9.

of 1978

4. The Himachal Pradesh Panchayati Raj (Amendment) Ordinance,  
1978 is hereby repealed:

Repeal and  
savings.

Provided that anything done or any action taken under the said  
Ordinance shall be deemed to have been done or taken under this Act, as  
if this Act had commenced on the 20th February, 1978.

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## STATEMENT OF OBJECTS AND REASONS

According to the existing provisions contained in sub-section (3) of section 5 of the Himachal Pradesh Panchayati Raj Act, 1968 (19 of 1970), every person, who, for the time being, is entered as a voter on the electoral roll of the Himachal Pradesh Legislative Assembly for the time being in force, and pertaining to the Sabha area, shall be a member of the Sabha of that Sabha area. According to this provision only those persons who have attained the age of 21 years are entitled to cast their votes in Panchayat elections. With a view to involve the younger generation in the rural development programme, the age for entitling persons to cast their votes in Panchayat elections is proposed to be reduced to 18 years by amending sub-section (3) of section 5.

Secondly, according to the existing provisions contained in clause (g) of sub-section (5) of section 9 of the said Act, no person who is a wholetime salaried servant of any local authority or State Government or the Union of India is entitled to stand for election as or continue to be a Pradhan, Up-Pradhan or Panch of a Gram Panchayat. This provision covers persons employed casually or on daily wages. This clause is proposed to be amended to make eligible the persons employed casually or on daily wages for contesting election or continue to be a Pradhan, Up-Pradhan or a Panch of the Gram Panchayat.

Since the matter regarding the amendment of section 5(3) of the Act was of great importance and the Legislative Assembly was not in session and the circumstances existed which rendered it necessary for the Governor of Himachal Pradesh to take immediate action under clause (1) of Article 213 of the Constitution. To meet this emergent situation, the Himachal Pradesh Panchayati Raj (Amendment) Ordinance, 1978 (1 of 1978) was promulgated on 20th February, 1978.

This Bill seeks to replace the aforesaid Ordinance with the addition of amendment of clause (g) of sub-section (5) of section 9 of the said Act.

SIMLA :  
The 1978.

SHYAMA SHARMA,  
*Minister-in-charge.*

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## FINANCIAL MEMORANDUM

Nil

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MEMORANDUM REGARDING DELEGATED LEGISLATION  
Nil

**STATEMENT OF CIRCUMSTANCES' NECESSITATING THE  
MODIFICATION IN THE HIMACHAL PRADESH PANCHAYATI RAJ  
(AMENDMENT) ORDINANCE, 1978 (ORDINANCE NO. 1 OF 1978)**

It has been considered desirable to make eligible the persons employed casually or on daily wages for contesting election as or continue to be, a Pradhan, Up-Pradhan or a Panch of the Gram Panchayat. As such amendment in section 9 of the Act has to be made. Hence the modification in the said Ordinance has been necessitated.

शिमला-171004, 3 अप्रैल, 1978

संख्या 1-16/78-वि०स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियमावली, 1973, के नियम 135 के अन्तर्गत, हिमाचल प्रदेश स्टेट एंड टू इण्डस्ट्रीज़ (संशोधन) विधेयक, 1978 (1978 की संख्या 2) जो हिमाचल प्रदेश विधान सभा में 3 अप्रैल, 1978 को पुरःस्थापित किया गया है, सर्वसाधारण की सूचनार्थ राजपत्र में मुद्रिण हेतु प्रेषित किया जाता है ।

वेद प्रकाश,  
सचिव ।

Bill No. 2 of 1978

**THE HIMACHAL PRADESH STATE AID TO INDUSTRIES  
(AMENDMENT) BILL, 1978**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

**BILL**

*to amend the Himachal Pradesh State Aid to Industries Act, 1968  
(Act No. 2 of 1971).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-ninth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Himachal Pradesh State Aid to Industries (Amendment) Act, 1978.

Short title  
and commence-  
ment.

(2) It shall come into force at once.

2. In section 35 of the Himachal Pradesh State Aid to Industries Act, 1968 after the words "with the previous sanction of the State Government" and before the sign ",", the words "or of any other officer, as may be authorised by it in this behalf" shall be inserted.

Amend-  
ment of  
section 35.

## STATEMENT OF OBJECTS AND REASONS

By virtue of the provisions contained in section 35 of the Himachal Pradesh State Aid to Industries Act, 1968, the amounts payable to the State Government under the Act can be recovered as arrears of land revenue only with the previous sanction of the State Government. In this process a lot of time is consumed in procuring the sanction of the State Government and consequently the recovery of heavy public funds is held up. In light of this and in order to expedite the recovery of such outstanding amounts it has been decided that the said Act may be amended to authorise any of the officers of the State Government also to accord the sanctions as envisaged under section 35 (*ibid*).

The Bill seeks to achieve the aforesaid object.

SIMLA:  
the....., 1978.

DAULAT RAM CHAUHAN,  
*Minister-in-charge.*

## FINANCIAL MEMORANDUM

Nil

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers the State Government to authorise its officers to accord sanctions for the recovery of the amounts payable to the State Government under the Act, as arrears of land revenue.

शिमला-171004, 3 अप्रैल, 1978

संख्या 1-19/78-वि०म०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियमावली, 1973, के नियम 135 के अन्तर्गत, हिमाचल प्रदेश जनरल सेल्ज टैंक्स (संगोष्ठन) विधेयक, 1978 (1978 की संख्या 5) जो हिमाचल प्रदेश विधान सभा में 3 अप्रैल 1978 को पुरःस्थापित किया गया है, सर्वसाधारण की सूचनार्थ राजपत्र में मुद्रित करने के लिए प्रेषित किया जाता है।

वेद प्रकाश,  
सचिव।



Bill No. 5 of 1978.

**THE HIMACHAL PRADESH GENERAL SALES TAX (AMENDMENT)  
BILL, 1978**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

**BILL**

*further to amend the Himachal Pradesh General Sales Tax Act, 1968 (Act No. 24 of 1968).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh General Sales Tax (Amendment) Act, 1978.

Short title and commencement.

(2) It shall come into force at once.

24 of 1968

2. In clause (c) of sub-section (6) of section 4 of the Himachal Pradesh General Sales Tax Act, 1968 (hereinafter referred to as the principal Act) the figures "25,000" shall be substituted by the figures "40,000".

Amendment of section 4.

3. In the first proviso to sub-section (1) of section 6 of the principal Act, after the words "Schedule 'A'", but before the words "from such date" the signs, figures and the words "except on item 25 thereof on which a tax at the rate of 20 paise in a rupee shall be levied," shall be inserted.

Amendment of section 6.

4. The existing entries at serial numbers 51 and 53 of SCHEDULE 'B' to the principal Act shall be deleted and the existing entries at serial numbers 52 and 54 shall be renumbered as 51 and 52 respectively.

Amendment of Schedule 'B'.

## STATEMENT OF OBJECTS AND REASONS

Under section 4 of the Himachal Pradesh General Sales Tax Act, 1968 the Dhabawalas and Halwais are to pay the sales tax in case their taxable turnover exceeds Rs. 25,000/- per annum. But by virtue of the items 51 and 53 of Schedule 'B' to the said Act, the Dhabawalas preparing Indian foods and the Halwais preparing articles ordinarily prepared by Halwais are exempt from the payment of sales tax under the said Act. It has been observed that certain Dhabawalas and the Halwais, having flourishing business with the sales exceeding the taxable turnover, are evading the payment of tax under the existing entries 51 and 53 of Schedule 'B'. It has, therefore, been considered necessary that the sales tax should be made relatable to the actual sales and not to the nomenclature by which the particular trade is known.

Simultaneously in view of the increase in the cost of living it has also been decided that the taxable turnover may be increased from Rs. 25,000/- to Rs. 40,000/- per annum thereby giving relief to Dhabawalas and Halwais.

With a view to discourage the consumption of the Indian made foreign liquor, including wines and beer, it is necessary to increase the cost of such liquor by raising the sales tax from 10% to 20% at source. Such an increase can only be made by raising the limit of 10 paise in a rupee to 20 paise in a rupee, as laid down in section 6 of the said Act.

In order to achieve the above objective it is necessary to make the amendments in the Himachal Pradesh General Sales Tax Act, 1968.

This Bill seeks to achieve the aforesaid objects.

SIMLA :

The....., 1978.

JAGDEV CHAND,  
*Minister-in-Charge.*

## FINANCIAL MEMORANDUM

Clauses 2 & 4 of the Bill makes the provision for the withdrawal of exemption from the payment of Sales Tax by the Dhabawalas & Halwais.

Clause 3 of the Bill provides for the increase of upper limit of 10 paise in a rupee to 20 paise in a rupee of tax which can be levied on the sale of the Indian made foreign liquor. This is likely to yield an additional income of about Rs. 58 lakhs per annum. Since the agency for realisation of the tax already exists, no extra expenditure is likely to be incurred for the implementation of the provisions of the Bill, when enacted.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

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RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE  
207 OF THE CONSTITUTION OF INDIA

[Excise and Taxation Department File No. EXN.1(4)/74 (Sectt.)]

The Governor of Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh General Sales Tax (Amendment) Bill, 1978, recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.

